

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG SANDY WATER DISTRICT )  
FOR AN ADJUSTMENT IN RATES PURSUANT TO ) CASE NO. 2012-00152  
THE ALTERNATIVE RATE FILING PROCEDURE )  
FOR SMALL UTILITIES )

ORDER

This matter arises upon the request of Overland Development, Inc. ("Overland Development") for full intervention. Overland Development is a water utility that purchases its water supply from Big Sandy Water District ("Big Sandy District"). On August 2, 2012, noting that the proposed rates would result in a 35 percent increase in the wholesale water service rate that it is charged, Overland Development applied for intervention in this matter.

The only person with a statutory right to intervene is the Attorney General ("AG"), pursuant to KRS 367.150(8)(b). That statute authorizes the AG to participate "on behalf of consumer interests." Intervention by all others is permissive and is within the sound discretion of the Commission.<sup>1</sup>

807 KAR 5:001, Section (3)8, provides that "any person who wishes to become a party to a proceeding before the commission may by timely motion request that he be granted leave to intervene." We find that Overland Development's request is untimely. Big Sandy District filed its rate application on April 24, 2012 and published in a newspaper of general circulation notice of its proposed rate adjustment on

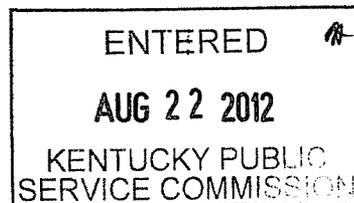
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<sup>1</sup> *Inter-County Rural Elec. Coop. Corp. v. Pub. Serv. Comm'n*, 407 S.W.2d 127, 130 (Ky. 1966).

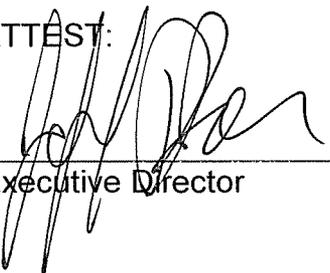
April 23, 2012, April 30, 2012, and May 7, 2012. On June 7, 2012, we directed Commission Staff to prepare and submit no later than July 16, 2012 a report of its findings and recommendations regarding the proposed rate adjustment. We further directed this matter would stand submitted for decision if no objections to those findings and recommendations were received by July 30, 2012. On July 19, 2012, Big Sandy District, the only party to this proceeding, advised the Commission in writing of its acceptance of Commission Staff's findings and recommendations and agreed to submit the matter for decision without hearing. By the terms of our Order of June 7, 2012, the matter was submitted for decision that day.

IT IS HEREBY ORDERED that the request of Overland Development to intervene is denied.

By the Commission



ATTEST:



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Executive Director

Mr. Jimmy Blanton  
Superintendent  
Big Sandy Water District  
18200 Kentucky Route #3  
Catlettsburg, KY 41129